

ARTICLE 42

PERSONAL HARDSHIP

1. **Introduction:** The purpose of this article is to establish a process under which Management will consider employee requests for personal hardships. Management reserves the right to determine whether a personal hardship exists and what action, if any, should be taken. Management will consider hardship requests, but it is recognized that Management may not be able to satisfy the request. The employee may request assistance and advice through the Employee Assistance Program (EAP) and may authorize the EAP counselor to share information regarding the hardship situation with Management.

The provisions of this article do not apply to Reasonable Accommodation requests for employees with disabilities.

2. Any employee may request a personal hardship consideration. Personal hardships are situations outside of the employee's reasonable ability to control that affect the health and/or welfare of the employee and/or family member as defined in 5 CFR 630.201. Some examples of hardship include, but are not limited to:
 - a. A specific long-term medical situation where services or care are more accessible in a specific location.
 - b. Special education needs for children related to physical or mental disability.
 - c. Significant and recurring harassment or discrimination against the employee or his or her family at work or in the community.
 - d. Specific situations such as divorce, reconciliation, sibling care issues, and eldercare.

3. Process:

- a. The employee will submit their request to Management for determination of whether a hardship exists and to request accommodation of the hardship. The request must be in writing and include the nature of the hardship and the accommodation requested. Requests should indicate whether they are long term or short term in nature.
- b. When Management receives a personal hardship request, Management must first determine if a hardship exists. Before making the final determination, the Management official may request additional information from the employee and/or the employee may submit additional information to the Management official.
- c. When Management has determined that an employee has a hardship, and upon request of the employee, Management will assist them in finding vacancies in the geographic location(s) in which they are interested.
- d. Management will notify the employee as quickly as possible, but no later than 28 days, with a written decision on the hardship request. The decision will include a determination of whether a hardship exists and what can be done to accommodate the hardship.
- e. Confidentiality regarding an employee's hardship situation will be maintained to the extent possible.
- f. Alleged violations of this article are grievable in accordance with Article 9.
- g. Upon the employee's request, employees may be represented by the Union in this process.
- h. When considering a hardship request, the decision should not create any hardship, loss of rights, or benefit to another employee. Changes or requests by individual employees that may affect working conditions of other employees shall be negotiated per Article 11 prior to implementation.